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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,813	06/22/2005	Kiyoharu Nakajima	20472/0202860-US0	6346
7578 7590 93/24/2008 DARBY & DARBY P.C. P.O. BOX 770			EXAMINER	
			HESS, DOUGLAS A	
Church Street Station New York, NY 10008-0770			ART UNIT	PAPER NUMBER
			3651	
			MAIL DATE	DELIVERY MODE
			03/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Application No. Applicant(s) 10/540.813 NAKAJIMA ET AL. Office Action Summary Examiner Art Unit Douglas A. Hess 3651 -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 04 January 2008. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-27 is/are pending in the application. 4a) Of the above claim(s) 12-16 and 27 is/are withdrawn from consideration. 5) Claim(s) 1-11 is/are allowed. 6) Claim(s) 17-26 is/are rejected. 7) Claim(s) \_\_\_\_\_ is/are objected to. 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on 6/22/2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some \* c) None of: Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). \* See the attached detailed Office action for a list of the certified copies not received. Attachment(s)

1) Notice of References Cited (PTO-892)

Paper No(s)/Mail Date 6/22/2005.

Notice of Draftsperson's Patent Drawing Review (PTO-948)
 Notice of Draftsperson's Patent Drawing Review (PTO-948)
 Notice of Draftsperson's Patent Drawing Review (PTO-948)

Interview Summary (PTO-413)
 Paper No(s)/Mail Date.

5) Notice of Informal Fatent Application

6) Other: USP 5.409,280 Drw Sheet 1 of 3.

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### DETAILED ACTION

#### Election/Restrictions

Applicant's election with traverse of claims 12-16 and 27 in the reply filed on
January 4, 2008 is acknowledged. The traversal is on the ground(s) that there is no undue burden
on the examiner. This is not found persuasive because the examiner would need to conduct a
class 198 search for the non elected claims, but not for the elected claims.

The requirement is still deemed proper and is therefore made FINAL.

This application contains claims 12-16 and 27 drawn to an invention nonelected with traverse in the reply filed on invention. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP 
§ 821.01.

### Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- Claims 17-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- Claim 17 recites the limitation "said support piece" in the last line. There is insufficient antecedent basis for this limitation in the claim.

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## Claim Rejections - 35 USC § 102

 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

 Claims 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill USP 5.409.280.

See the attached marked up copy of drawing sheet 1 of 3 of Hill depicting the claimed features

Claims 24-26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by
 JP abstract 10-250838. (as cited by applicant, see claw 19 with slit going from front to back of claw).

#### Allowable Subject Matter

- Claims 1-11 are allowed.
- Claims 20-23 would be allowable if rewritten to overcome the rejection(s) under
   U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### Conclusion

10. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Douglas A. Hess whose telephone number is 571-272-6915. The

examiner can normally be reached on M-Thurs 5:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the  $\,$ 

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas A Hess/

Primary Examiner, Art Unit 3651

Douglas A Hess Primary Examiner Art Unit 3651

DAH

March 20, 2008